

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6273-CR-HUCK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARIEL HERNANDEZ,

Defendant.

03 JUL 11 11:30 AM
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI
D.C.

DEFENDANT'S REQUEST FOR IMMEDIATE TRANSFER TO FDC - MIAMI

COMES NOW the Defendant, Ariel Hernandez, by and through his undersigned counsel, pursuant to Rule 38(b), Federal Rules of Criminal Procedure, and Rule 8(c), Federal Rules of Appellate Procedure, and respectfully requests this Honorable Court enter an Order directing the Bureau of Prisons and/or the United States Marshall Service to immediately transfer Ariel Hernandez to FDC - Miami in the Southern District of Florida to assist in the preparation of his direct appeal, and as grounds and in support thereof states as follows:

1. The Defendant has filed a Notice of Appeal to the Eleventh Circuit Court of Appeals seeking review of the judgment, conviction and sentence imposed.
2. Ariel Hernandez is presently incarcerated at the Broward County Main Jail, in Ft. Lauderdale, Florida under Arrest # 50996824.
3. Undersigned counsel needs to meet with and speak with the Defendant,

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Ariel Hernandez, at length, and requires his assistance in the orderly preparation of his appeal. Based upon Ariel Hernandez' present location, there exists an infringement upon the attorney/client relationship because of counsel's inaccessibility to the client and the client's indigency, thereby limiting his telephonic access to undersigned counsel.

4. Further, the Defendant requires medical treatment, which he is able to and did receive while at FDC - Miami. He is unable to obtain appropriate medications in the Broward County Jail. Specifically, he is unable to receive the following previously prescribed medications - Doxepin; HCl; Trazodone; Lansopiazole; and Gemfibrozil.

5. Recommending to the Attorney General that he either temporarily or permanently allow the transfer Ariel Hernandez to FDC - Miami for the purpose of assisting in his appeal for a reasonably necessary period of time will not prejudice the United States or disrupt the machinery of Government administration within the jurisdiction of the Office of the Attorney General.

WHEREFORE, based upon the foregoing, the Defendant, Ariel Hernandez, respectfully requests this Honorable Court enter an Order directing the Bureau of Prisons and/or the United States Marshall Service to immediately transfer Ariel Hernandez to the Southern District of Florida, specifically, FDC - Miami , so that he can assist his counsel in the preparation of the instant appeal.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was furnished by U.S. mail this **8th day of JULY, 2003**, to: Office of the U. S. Attorney,

99 N. E. Fourth Street, Miami, FL 33132

Respectfully submitted,

LAW OFFICES OF RICHARD L. ROSENBAUM
COUNSEL FOR DEFENDANT
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BY: 

RICHARD L. ROSENBAUM

cc: Ariel Hernandez